

CHAPTER 11

SEPARATION

Section 1. **Resignation.**

(a) **Notification.** An employee intending to voluntarily separate from State service shall submit written notification to the immediate supervisor specifying the effective time and date of the intended resignation. Notification shall be provided as far in advance as possible but not less than fourteen (14) days prior to the date of the intended resignation:

(i) **Retirement.** Employees separating from State service due to retirement shall follow procedures established by the Wyoming Retirement System.

(b) **Effective Date.** A resignation shall be effective on the date specified in the employee's notification, or on the effective date provided to the Human Resources Division by the agency head if the employee failed to provide any notice.

(c) **Rescinding Notification.** An employee who has provided a resignation notice and who wishes to change the effective date or rescind the notification may be allowed to do so with the approval of the agency head.

(d) **Failure to Notify.** An employee who fails to provide advance notification without valid reason(s) shall not be considered to have separated in good standing. Such failure to notify shall be documented and forwarded to the Human Resource Division as part of the employee's permanent record.

Section 2. **Dismissal of Non-Permanent Employees.**

(a) **Definition.** A non-permanent employee is an at-will employee who has no expectations of continued employment and may be dismissed at any time without cause or reason:

(i) Non-permanent employees include the employment status of probationary, at-will, at-will contract, temporary, emergency, intermittent, and intern.

(b) An agency head shall dismiss a non-permanent employee upon the expiration of the applicable time limit, or when the services of the employee are no longer required.

Section 3. **Dismissal of Permanent Employees.**

Permanent employee dismissed by the agency head shall be separated pursuant to the provisions of Chapter 7, Section 3(c) pertaining to dismissal of permanent employees.

Section 4. **Reduction in Force.**

(a) A reduction in force shall not be used as a disciplinary action.

(b) Each Agency shall designate divisions for purposes of a reduction in force:

(i) Designations are effective after approval of the Governor;

(ii) Approved designations shall be filed with the Human Resource Administrator and be provided to all agency employees;

(iii) An agency shall not change division designations within sixty (60) days of a reduction in force;

(iv) Prior to the actual reduction in force, employees in the affected positions shall be given a transfer or reappointment within the agency to available vacant positions;

(A) Permanent employee shall also be offered positions held by non-permanent employees within their designated division only. A reduction in one division shall not displace an employee in another division;

(B) Employees transferred or reappointed must meet the minimum requirements for the new position and shall be responsible for any cost of relocation.

(c) Identification of affected position(s) and order of separation:

(i) If a reduction in force is needed, the agency head shall;

(A) Determine from within the Agency the affected designated reduction in force division;

(B) Determine the affected job classification;

(C) Determine the affected geographical area; and

(D) Identify the affected employee(s) having the least amount of continuous Executive Branch service from the most recent date of hire;

(I) Employees with non-permanent status shall be identified for reduction in force prior to employees with permanent status;

(II) If two (2) or more employees within the same job classification have the same amount of continuous Executive Branch service, the agency head shall determine in its discretion which employee is to be separated.

(d) Responsibilities of the Agency Head:

(i) The agency head shall provide at least thirty (30) days notification of the separation date in writing to the affected employee and the Human Resources Division;

(ii) An agency head shall automatically consider a permanent employee, who has been separated due to a reduction in force, in the candidate group for the class held at the time of separation for a period of twenty-four (24) months;

(A) Prior to the employment of any other candidate with no greater preference, a permanent employee separated by a reduction in force shall be offered reinstatement to a vacant position within the agency, within the division (as designated for purpose of reduction in force) last employed and within the class held at the time of separation;

(B) Reinstatement shall be made in reverse order of separation (last separated, first hired).